

ORIGINAL

MEMORANDUM



TO: Docket Control Center

FROM: Thomas M. Broderick
Director
Utilities Division

for

Amjaces

REC-100
AZ CORP COMM
DOCKET CONTROL

2016 MAY 18 PM 2 29

DATE: May 18, 2016

RE: **REQUEST FOR ADMINISTRATIVE CLOSURE – IN THE MATTER OF THE JOINT APPLICATION OF WATER UTILITY OF GREATER BUCKEYE, INC. AND VALENCIA WATER COMPANY, INC. TO TRANSFER THE ASSETS AND THE CERTIFICATE OF CONVENIENCE AND NECESSITY OF WATER UTILITY OF GREATER BUCKEYE, INC. TO VALENCIA WATER COMPANY, INC. (DOCKET NOS. W-01212A-06-0666 AND W-02451A-06-0666)**

On October 16, 2006, Water Utility of Greater Buckeye, Inc. ("WUGB") and Valencia Water Company, Inc., ("VWC") (collectively "the Companies"), filed with the Arizona Corporation Commission ("Commission") a joint application for approval to transfer WUGB's assets and its Certificate of Convenience and Necessity ("CC&N") to VWC.

On September 7, 2007, Commission Staff filed a Staff Report in the docket indicating that the Town of Buckeye had initiated a condemnation proceeding to condemn WUGB's water system and assets. On October 26, 2007, the Companies filed a Notice of Filing which included a copy of the Maricopa County Superior Court's final judgement regarding the Town of Buckeye condemnation case which reflected that the Town of Buckeye's condemnation action had been dismissed without prejudice ("Judgement of Dismissal without prejudice and award to Defendant, Water Utility of Greater Buckeye, Inc. for Attorney's fees and costs").

On February 27, 2008, Commission Decision No. 70183 approved the joint application for the transfer of WUGB's CC&N to VWC. Decision No. 70183 ordered that if the Town of Buckeye initiated a condemnation action against WUGB or VWC, VWC shall file notice of such action with Docket Control, in this docket, and any related dockets within 30 days of such action.

On July 17, 2015, VWC filed a Notice of Condemnation which indicated that VWC and the City of Buckeye ("City") agreed to terms of condemnation of VWC's assets by the City. The City's condemnation complaint and the settlement were approved by the Superior Court on June 9, 2015. The notice of condemnation stated that effective July 14, 2015 all of VWC's assets were condemned by the City.

¹ Maricopa County Superior Court CV2006-01094.

Arizona Corporation Commission
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Based on above, Staff respectfully requests that Docket Control administratively close Docket Nos. W-01212A-06-0666 and W-02451A-06-0666, as the Companies' assets have been condemned by the City.

TMB:GO:red

Originator: Guadalupe Ortiz